

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

HARVEY LEE FUNCHES

PLAINTIFF

V.

CAUSE NO. 3:15cv586HTW-LRA

**CHASE E. NOLAND,
CNH INDUSTRIAL AMERICA, LLC,
d/b/a CASE IH, PROGRESSIVE TRACTOR
AND IMPLEMENT COMPANY, LLC,
ZIP TIE FARMS, LLC and GRIZZLY
HARVESTING, LLC**

DEFENDANTS

**PROGRESSIVE TRACTOR AND
IMPLEMENT COMPANY, LLC**

CROSS-PLAINTIFF

VS.

**CHASE E. NOLAND and
GRIZZLY HARVESTING, LLC**

CROSS-DEFENDANTS

**PLAINTIFF'S MOTION IN LIMINE NO. 4:
TO EXCLUDE THE INTRODUCTION OF A
PINT BOTTLE OF CANADIAN MIST AND
ANY TESTIMONY, EVIDENCE, ARGUMENT OR
HEARSAY EVIDENCE OF THE BOTTLE**

COMES NOW, Plaintiff, Harvey Funches, by and through his attorney, and files this Motion in Limine to Exclude the Introduction of a Pint Bottle of Canadian Mist and any Testimony, Evidence, Argument or Hearsay Evidence of the Bottle, and in so doing, states the following, to-wit:

The Warren County Sheriff's Department is in possession of a pint bottle of Canadian Mist liquor found near the scene of where Plaintiff was receiving emergency medical care. At least one of the Defendants has indicated its intention of introducing said bottle into evidence at the trial of this cause. Plaintiff would move the Court to exclude the introduction of said bottle of liquor or any photographs of the same, together with any testimony, evidence, argument or

hearsay evidence of said bottle as it is contrary to Rule 401, 402 and 403 of the Federal Rules of Evidence.

Respectfully submitted, this the 23rd day of January, 2017.

Harvey Lee Funches

BY: s/Dean Andrews, Jr.
DEAN ANDREWS, JR.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Motion in Limine No. 4 with the Clerk of the Court using the MEC system which sent notification of such filing to the following counsel of record:

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**Attorneys for CNH Industrial America, LLC,
d/b/a Case IH**

This, the 23rd day of January, 2017.

s/Dean Andrews, Jr.

DEAN ANDREWS, JR.